

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re DAMONE STOREY,

No. C 08-3839 WHA (PR)

Petitioner.

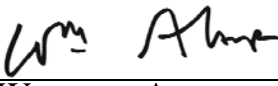
ORDER OF TRANSFER

This case was opened when petitioner filed a petition on a form for motions pursuant to Section 2255 of Title 28 of the United States Code. The form is headed "United States District Court for the Eastern District of California," but because the envelope in which it was received was addressed to this court, it must be assumed that petitioner intended to file here. Motions under Section 2255 are filed by federal prisoners who wish to attack a federal sentence. Because petitioner is a state prisoner who seeks to attack the execution of his state sentence, the petition will be construed as brought under Section 2254.

Venue is proper in a Section 2254 habeas action in either the district of confinement or the district of conviction. 28 U.S.C. § 2241(d). Petitioner was convicted in San Joaquin County and he is confined in the same county, which is in the venue of the United States District Court for the Eastern District of California. This petition therefore is **TRANSFERRED** to the United States District Court for the Eastern District of California. *See* 28 U.S.C. § 1406(a).

IT IS SO ORDERED.

Dated: August 18, 2008.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

DAMONE STOREY,
Plaintiff,

Case Number: CV08-03839 WHA

CERTIFICATE OF SERVICE

v.

USA,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 20, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Damone Storey
T-95072
Deuel Vocational Institution
PO Box 600
Tracy, CA 95378-0600

Dated: August 20, 2008

Richard W. Wieking, Clerk
By: D. Toland, Deputy Clerk